

**AGENDA
BOARD OF SELECTMEN
MONDAY, DECEMBER 5, 2016**

6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

- Approval of the following: Monday, November 28, 2016 Regular Session

APPOINTMENTS & HEARINGS

- 6:30 – Public Comment
- 6:45 – Public Hearing: Renewal of Annual Licenses, 2017 Alcohol and Entertainment
- 6:55 – Catherine Laurent (DPW)
 - Recommendation for Award of Contract
 - Rental of Portable Toilets
 - Trash and Recycling Collection Service
 - Discussion of feasibility study for roof replacement at Quashnet School

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- 1) Review of revised Alcoholic Beverages License Policy 068 and License Fee Schedule
- 2) Certification of selection process – Police Officer, *Bryan Derochea*
- 3) Acceptance of resignation from Historical Commission and Community Preservation Committee, effective December 1, 2016, *Frank J. Lord*
- 4) Acceptance of resignation of the Affordable Housing Committee representative to the Affordable Housing Trust, *Berkley Johnson*
- 5) Approval of appointment of the Affordable Housing Committee representative to the Affordable Housing Trust, *Allan Isbitz*
- 6) Appointment of Records Access Officer for School Department, *Patricia DeBoer*
- 7) Appointment of Records Access Officer for Police Department, *Scott Carline*

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

LIAISON REPORTS

EXECUTIVE SESSION

Present: Selectman Gottlieb, Selectman Cahalane, Selectman O'Hara,
Selectman Cotton, Selectman Sherman
Town Manager Rodney C. Collins
Assistant Town Manager Wayne E. Taylor

Meeting Called to Order by Chairman Gottlieb at 6:30 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES

Monday, November 28, 2016 Regular Session:

Motion made by Selectman Sherman to approve the minutes of Monday, November 28, 2016 as presented.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes
Selectman Cotton, yes

Selectman Cahalane, yes
Selectman Sherman, yes

Selectman O'Hara, yes
Opposed, none

APPOINTMENTS & HEARINGS

Public Comment: None at this time.

Public Hearing: Renewal of Annual Licenses, 2017 Alcohol and Entertainment:

The Board of Selectmen opened the Public Hearing on the 2017 Annual Liquor and Entertainment License renewals in the Town of Mashpee. The Hearing notice was read aloud into the record in accordance with posting requirements.

All license holders are current in their property taxes, and have passed inspection by the Building, Health and Fire Departments. All license holders have submitted proof of workers' compensation insurance as mandated by the state as well as proof of liability insurance as required.

There was no notice of violations from the Chief of Police with the exception of Asia Palace found to be in violation of 204 CMR 2.05(2) for *Permitting an illegality on the Licensed Premises*, to wit: Ch. 138 §34C *Possession of an alcoholic beverage by a person under 21 years of age*; 2 counts. The violation occurred on May 29, 2016. The ABCC suspended the license for 11 days, 3 days to be served and 8 to be held in abeyance for a period of 2 years provided no further violations occur. On November 28, 2016, the Town of Mashpee was notified the ABCC accepted an Offer in Compromise in Lieu of Suspension in the amount of \$610.74.

The Board of Selectmen opened the Public Hearing to solicit comment.

APPOINTMENTS & HEARINGS

Public Hearing: Renewal of Annual Licenses, 2017 Alcohol and Entertainment: (continued)

Virginia Scharfenberg of 3 Pequot Avenue indicated she was in attendance to discuss the license renewal of Finally Dino's. Ms. Scharfenberg stated she is not opposed to renewing the license with the proviso there would be room for continued communication with the Board if there are issues. Ms. Scharfenberg asked if there is a difference between the deck and the entertainment license. In response, Ms. Scharfenberg was given a copy of the license which states specific restrictions for outdoor entertainment not to exceed plus/minus 10% of the ambient noise level, and for the patio to close by 10:00 p.m.

There was a question by a Selectman member with respect to the classification of Zachary's Pub having an Innholder All Alcohol License. It was noted the license is similar to that of the Popponesset Inn, having a total of 12 rented rooms. The subject premise; Zachary's Pub is the former Wigwam Hotel and has 18 rooms that are rented. This is an old statute, and the license has been in existence for over 40 years. This hearing is held for the renewal of Annual Alcohol and Entertainment Licenses only. If there are concerns, a second hearing is thus required.

Being no further comment, the Board motioned to close the Public Hearing.

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

The following Town of Mashpee liquor license holders have filed for their renewals;

Package Store License – All Alcohol

Andy's Market

The Barn

Best Buy Beverages, Inc.

Liberty Liquors

South Cape Wine & Spirits

Package Store License – Wine & Malt

Mashpee Mart

Commons Convenience

Mashpee Mini Mart

Organic Market

APPOINTMENTS & HEARINGS

Public Hearing: Renewal of Annual Licenses, 2017 Alcohol and Entertainment: (continued)

Restaurant – All Alcohol

Asia
Bleu
Bobby Byrne's
Café Trevi
Estia
Finally Dino's
The Lanes
99 Restaurant
New Seabury Country Club
Oak & Ember
Quashnet Valley Country Club
Siena
Soprano's
Wicked

Restaurant – Wine & Malt

Bangkok Thai Cuisine
Burrito Bistro Mashpee
Zoe's

Innholder – All Alcohol

Popponesset Inn
Zachary's Pub

Commercial Club – All Alcohol

Willowbend Country Club

The above referenced roster of liquor license renewals was read aloud into the record.

Motion made by Selectman Sherman to approve the 2017 Annual Liquor License Renewals as presented and read into the record.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0 with the exception of Zachary's Pub: VOTE: 4-1.

Roll Call Vote:

Selectman Gottlieb, yes/no (1)
Selectman Cotton, yes

Selectman Cahalane, yes
Selectman Sherman, yes

Selectman O'Hara, yes
Opposed, none/(1)

APPOINTMENTS & HEARINGS

Public Hearing: Renewal of Annual Licenses, 2017 Alcohol and Entertainment: (continued)

The Entertainment portion of the renewal of Annual Licenses was opened.
The following Town of Mashpee Entertainment License Holders has filed for their annual renewals;

Restaurant/Innholders/Clubs

Bleu – Recorded & Live*
Bobby Byrne's – Recorded Only
Café Trevi – Recorded Only
Estia – Recorded & Live*
Finally Dino's – Recorded & Live, Dancing by Patrons, Pool Tables, Video Games*
The Lanes – Recorded & Live, Dancing by Patrons
New Seabury Country Club – Recorded & Live, Dancing by Patrons*
99 Restaurant – Recorded Only
Oak & Ember – Recorded & Live
Quashnet Valley Country Club – Recorded & Live, Dancing by Patrons*
Siena – Recorded Only
Soprano's – Recorded & Live*
Wicked – Recorded Only
Popponesset Inn – Recorded & Live, Dancing by Patrons*
Zachary's Pub – Recorded & Live, Dancing by Patrons, Theatre/Floor Show, Billiard/Pool Table, Video Games*
Willowbend Country Club – Recorded & Live, Dancing by Patrons*

Restaurant – Wine & Malt

Burrito Bistro – Recorded Only
Zoe's – Recorded Only

*Denotes an establishment is renewing its License for Entertainment on Sundays.
The list of Entertainment License holders were read aloud into the record.

The Board opened this portion of the Hearing to solicit comment.

With respect to Finally Dino's, Duncan Campbell of 4 Mohican Avenue indicated that extensive testing has been conducted with Dino's sound engineer Tony Pizzo. The sound system is regulated in-house and serves over 200 bands. The sound setting for the Baha Brothers, a well-known band is deemed acceptable, however, it is expected this band would be tested on Memorial Day weekend. Mr. Campbell stated it is hopeful there are restrictions on the current license regarding decibels and the closure of the patio at 10:00 p.m. The Board reaffirmed the license restrictions as imposed.

It was disclosed this is a renewal process only. A new hearing is required if the Board of Selectmen would require any further restrictions and/or modifications to a license holder.

APPOINTMENTS & HEARINGS

Public Hearing: Renewal of Annual Licenses, 2017 Alcohol and Entertainment: (continued)

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

Motion made by Selectman Cahalane to renew all 2017 Entertainment Licenses as presented and read into the record with existing conditions.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Catherine Laurent (DPW)

Recommendation for Award of Contract:

Rental of Portable Toilets:

Catherine Laurent, Director of Public Works was in attendance to recommend the Board approve the annual contract for the Rental of Portable Toilets at various Town properties to Pina Sajje Sanitation, LLC of Mashpee, and the low bid firm. Correspondence was received from Ms. Laurent dated November 29, 2016 outlining the respective fees, and comparison bids received for this service.

Motion made by Selectman Cahalane to award the contract for the Rental of Portable Toilets to Pina Sajje Sanitation, LLC as recommended.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

Trash and Recycling Collection Service:

Cavossa Disposal Corporation of Falmouth was the recommended low bidder for the annual contract relative to Trash and Recycling Collection. Cavossa was the lowest most qualified bidder to collect trash generated at the Town buildings, schools and the seasonal trash generated at the Town beaches and parks. Communication with respect to this regard was submitted by the DPW Director to the Board of Selectmen/Town Manager dated November 29, 2016.

Motion made by Selectman Cahalane to award the annual Trash and Recycling Collection Bid to Cavossa Disposal Corporation as recommended.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Discussion of feasibility study for roof replacement at Quashnet School:

Rodney C. Collins, Town Manager reviewed specifics associated to the proposed feasibility study for the replacement of the roof at the Quashnet School. It was announced that cost projections have been determined, and to proceed without delays, the School Superintendent has indicated the \$81,500 cost for the study would be assumed under the School Department budget.

This announcement served as a temporary reprieve as the Town after having difficulties in locating an identifiable and readily available funding source for this recent development. It was noted the Town contributed funding to offset costs associated to the feasibility study associated to schematic design and cost estimates for the Quashnet School window and door replacement project which now includes the replacement of the EFIS/soffits.

In discussing this matter, it was noted the Board was previously agreeable to obtaining bid quotations through the Request for Proposal (RFP) process. After reviewing this matter with the Director of Public Works it was determined the project may save the Town revenue with a private bid, however there is a need to obtain schematic designs and cost estimates to allow a contractor to appropriately bid on the project. If the project is accepted by the MSBA, the Town would have the ability to move forward and receive approximately 38% in state reimbursement monies and/or move forward with a RFP.

To fully vet this project, it was agreed the Town Manager would consult Town Counsel regarding the substance between the MSBA process and the state bid process. It was noted the MSBA process may add requirements and costs to the base bid and if the cost assumption is over 38%, the Selectmen would have the ability to determine the value of the project to move forward in the most cost effective approach.

NEW BUSINESS

Review of revised Alcoholic Beverages License Policy 068 and License Fee Schedule:

The Board of Selectmen reviewed Policy 068, the Town of Mashpee Alcoholic Beverage License Policy and License Fee Schedule. The 2003 Policy was amended under V. License Fees adding the language: License fees may be prorated for new license applications filed after September 30th, only upon written request by the licensee which is subsequently approved by the Board at a regularly scheduled meeting.

Motion made by Selectman Cahalane to approve the Alcoholic Beverages License Policy 068 and License Fee Schedule as presented.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Certification of selection process – Police Officer, Bryan Derochea:

Correspondence was received from Scott Carline Chief of Police dated November 30, 2016 relative to the appointment of Bryan Derochea to the position of full-time police officer. It was affirmed that all phases of the selection process have been completed and are consistent with the policies and procedures established in this process. Mr. Derochea's application was chosen from a previously established eligibility list. Mr. Derochea meets the requirement to reside within fifteen miles of the Town of Mashpee.

Motion made by Selectman Cahalane to certify and confirm the appointment of Bryan Derochea as a full-time police officer in the Town of Mashpee.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Acceptance of resignation from Historical Commission and Community Preservation Committee, effective December 1, 2016, Frank J. Lord:

A letter of resignation was received from Frank J. Lord dated November 29, 2016 resigning from the Mashpee Historical Commission and Community Preservation Committee effective December 1, 2016.

Motion made by Selectman Cahalane to accept the resignation of Frank J. Lord from the Historical Commission and Community Preservation Committee with regret sending a letter of appreciation to Mr. Lord for his dedication to the Town of Mashpee.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Acceptance of resignation of the Affordable Housing Committee representative to the Affordable Housing Trust, Berkley Johnson:

Correspondence was received from Walter R. Abbott, Chair of the Affordable Housing Committee dated November 30, 2016 requesting the Selectmen approve the resignation of Berkeley Johnson.

Motion made by Selectman Cahalane to approve the letter of resignation from Berkeley Johnson from the Affordable Housing Trust with regret sending a letter of appreciation to Mr. Johnson for his dedication to the Town of Mashpee.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Approval of appointment of the Affordable Housing Committee representative to the Affordable Housing Trust, Allan Isbitz:

With the resignation of Berkeley Johnson from the Affordable Housing Trust, it is the recommendation of the Affordable Housing Committee to appoint Allan Isbitz as Mr. Johnson's successor.

Communication was received from the Affordable Housing Chair dated November 30, 2016 with respect to the regard.

Motion made by Selectman Sherman to appoint Allan Isbitz to the Affordable Housing Trust.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

NEW BUSINESS

Appointment of Records Access Officer for School Department, Patricia DeBoer:

A letter of interest was received from interim School Superintendent Patricia DeBoer dated November 30, 2016 requesting to serve as the Records Access Officer for the Mashpee Public Schools.

Motion made by Selectman Sherman to appoint Patricia DeBoer as the Records Access Officer to the Mashpee Public Schools.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

Appointment of Records Access Officer for Police Department, Scott Carline:

To remain consistent with the requirements of MGL c. 66 §6A relative to the New Public Records Law, Police Chief Scott Carline submitted a letter of interest dated November 30, 2016 to service as Public Records Access Officer to the Mashpee Police Department.

Motion made by Selectman Sherman to appoint Chief of Police Scott Carline as Public Records Access Officer to the Mashpee Police Department.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

LIAISON REPORTS

Schools: After hearing notice on a radio announcement it was reported the Cape Cod Technical School has selected the option to proceed with a new school building in lieu of renovation. The Town Manager/Board of Selectmen has not received official communication with respect to this regard. The Town of Mashpee and the other participating communities in the technical school program are expected to vote on this matter in October of 2017.

Mashpee Falcons: It was agreed the Town Manager and Board of Selectmen would publicly recognize the Mashpee High School Falcons football state championship, a second straight win for their division.

Special Events: Mary Bradbury, Recreation Director was given praise for the tree lighting and holiday event held at the Community Park this past weekend.

COMMUNICATION & CORRESPONDENCE

Town Manager – Authorization to Fill Vacancies:

A brief discussion followed relative to the filling of vacancies. Rodney C. Collins Town Manager requested clarification with respect to this regard. Town Manager Collins indicated he has been adhering to the Board of Selectmen's mandate by filling vacancies, but not new positions. A number of years ago and in the previous administration, the Board of Selectmen instituted a Hiring Freeze. There has been no action to date the lift the freeze. It was agreed the Board would further review this matter, and develop new policy to super-cede the previous decision.

ADJOURNMENT

Motion made by Selectman O'Hara to adjourn at 7:19 p.m.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen